

REMARKS

Claims 1-3 and 6-9 stand rejected under 35 USC §102(b) as being anticipated by Hess et al. US Patent No. 6 196 219. Claims 4-5 were previously withdrawn as being directed to a non-elected species. By the foregoing amendment, Claims 1-9 have been cancelled and new Claims 10-19 are presented for consideration.

It is well established that in order for a claim to be anticipated by a reference, each and every limitation of the claim must be found in that reference. Hess et al. '219 discloses a liquid droplet spray device for an inhaler that comprises a microdosing device with a dosing chamber for receiving a liquid quantity and with which is associated a discharge opening. The microdosing device includes a vibrating unit in operative connection with at least one boundary surface of the dosing chamber. The vibrating unit is disclosed as a piezoelectric element that is controllable for activation during the duration of an atomization cycle. The microdosing unit is also disclosed as including a flexible heating surface for heating the liquid to a predetermined temperature that is advantageous for dispersal. The heating element is also disclosed as being capable of contributing, at the end of the atomization cycle, to the evaporation of any liquid left in the dosing chamber, and that the vibrating unit may continue operation for a predetermined time after the inhalation cycle has ended.

Hess et al. '219 does not disclose that the microdosing device is configured for an independent drying cycle of the vibrating unit or for a time-separated drying time of any configuration. Nor does Hess et al. '219 disclose a method of operating a microdosing device including any one of the steps of pausing for a pre-determined time period, activating a time delay unit for a pre-determined time separation, or deactivating the vibrating unit and initiating a time delay, as is variously required by the newly presented independent

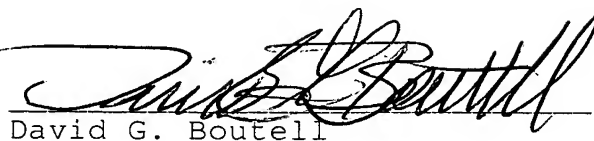
claims. Rather, Hess et al. '219 discloses that the vibrating unit may continue after the inhalation cycle has been completed, in conjunction with the heating element. More specifically, Hess et al. '219 advocates, at column 7, lines 18-22, the continuation of the actuation of the "vibrating means" after the inhalation cycle has ended, rather than a time delay to separate the inhalation and drying cycles. This arrangement has the disadvantage that any residue remaining in the dosing chamber may be introduced into the inhalation cycle, resulting in imprecise dosing by the microdosing device.

The microdosing device according to the claimed invention overcomes this disadvantage by providing a distinct, time-separated drying of the dosing chamber. By providing a time-separated drying time for removing residue from the dosing chamber, the microdosing device ensures a more precise dosing, in that the user, for example, is no longer inhaling during the drying time. Hess et al. '219 clearly does not disclose this feature of the claimed invention. Therefore, Claims 10-19 are not anticipated by Hess et al. '219. Furthermore, the specific insertion of a time delay between the inhalation cycle and the drying cycle runs contrary to the teaching of Hess et al. '219 as discussed above. The claimed invention would therefore not have been obvious to one of ordinary skill in the art at the time the invention was made, in light of Hess et al. '219.

Conclusion

In light of the foregoing, Claims 10-19 are considered in condition for allowance, and an early Notice of Allowability is courteously solicited. If necessary to expedite the further prosecution of this application, the Examiner is invited to contact the Applicants' representatives listed below.

Respectfully submitted,



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